

PROTESTS OF CONSTRUCTION CONTRACT BIDS

8.271

- I. The School Board shall provide notice of its decision or intended decision concerning a bid solicitation or a contract award for construction projects as follows:
 - A. For a bid solicitation, notice of a decision or intended decision shall be given by United States mail or by hand delivery.
 - B. For any other School Board decision, notice of a decision or intended decision shall be given either by posting the bid tabulation at the location where the bids were opened or by certified United States mail, return receipt requested. The notice required by this paragraph shall contain the following statement: "Failure to file a protest within the time prescribed in section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes."
- II. Any person who is affected adversely by the School Board's decision or intended decision shall file a notice of protest in writing with the Superintendent within seventy-two (72) hours after the posting of the bid tabulation or after receipt of the notice of the School Board decision or intended decision and shall file a formal written protest within ten (10) days after the date of filing of the notice of protest. Failure to file a notice of protest or failure to file a formal written protest shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. Bid protest shall be accompanied by a bond as prescribed in 337.11(5)(a), Florida Statutes.
- III. Upon receipt of a notice of protest which has been timely filed, the School Board shall stop the bid solicitation process or the contract award process until the subject of the protest is resolved by final agency action, unless the School Board sets forth in writing particular facts and circumstances which require the continuance of the bid solicitation process or the contract award process without delay in order to avoid an immediate and serious danger to the public's health, safety, or welfare.
- IV. The School Board, on its own initiative or upon the request of a protester, shall provide an opportunity to resolve the protest by mutual agreement between the parties within seven (7) days of receipt of a formal written protest.
 - A. If the subject of a protest is not resolved by mutual agreement within seven (7) days of receipt of the formal written protest, and if there is no disputed issue of material fact, an informal proceeding shall be conducted

pursuant to Section 120.57(2), Florida Statutes, and applicable agency rules before a person whose qualifications have been prescribed by rules of the agency.

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- B. If the subject of a protest is not resolved by mutual agreement within seven (7) days of receipt of the formal written protest, and if there is a disputed issue of material fact, the agency shall refer the protest to the division for proceedings under Section 120.57(1), Florida Statutes.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

**120.53(5), 120.57(3), 337.11, 1001.43,
1013.02, 1013.46 - 1013.48, F.S.**

HISTORY:

**ADOPTED: _____
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